

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MANUEL AGUIRRE,)	
)	
Plaintiff,)	
vs.)	1:07-cv-891-SEB-TAB
)	
INDIANAPOLIS WATER COMPANY,)	
)	
Defendant.)	

ENTRY

This cause is before the court on the defendant's unopposed motion to dismiss the plaintiff's claims of discrimination in the complaint. The defendant argues that the complaint fails to state a claim upon which relief can be granted.

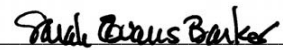
In order to withstand a motion to dismiss, a complaint must allege the "operative facts" upon which each claim is based. *Kyle v. Morton High Sch.*, 144 F.3d 448, 454-55 (7th Cir. 1998); *Lucien v. Preiner*, 967 F.2d 1166, 1168 (7th Cir. 1992). A plaintiff is required to include allegations in the complaint that "plausibly suggest that the plaintiff has a right to relief, raising that possibility above a 'speculative level'" and "if they do not, the plaintiff pleads itself out of court." *E.E.O.C. v. Concentra Health Services, Inc.*, 496 F.3d 773, 776 (7th Cir. 2007) (quoting in part *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1965 (2007)).

A complaint must be dismissed for failure to state a claim if the plaintiff fails to plead "enough facts to state a claim to relief that is plausible on its face." *Twombly*, 127 S. Ct. at 1974. That is the case here, as to each of the plaintiff's claims, for the reasons explained in the defendant's motion to dismiss, and the plaintiff does not contend otherwise.

The motion to dismiss is therefore granted. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 12/18/2007


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana